

Serial No. 10/606,192
Attorney Docket No. 633032-00002
Amendment

REMARKS

Claims 1-16 have been amended by this paper.

Claims 2-7 and 9-10 stand provisionally rejected under the doctrine of nonstatutory obviousness-type double patenting as being unpatentable over claims 9-14 and 16-17 of U.S. Ser. No. 10/606,191 (the “‘191 application”).

Applicants note that claim 1 was not rejected for double patenting, suggesting that the Examiner believes claim 1 to be patentably distinct from the subject matter claimed in the ‘191 application. Applicants also note that claims 2-7 and 9-10 depend from claim 1 and, therefore, also should be considered patentably distinct from the subject matter claimed in the ‘191 application. Accordingly, withdrawal of the rejections of claims 2-7 and 9-10 is respectfully requested.

Claim 14 has been amended to address the Examiner’s objection.

Claims 1, 3 and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,645,558 to Horton. The rejections are respectfully traversed.

The Horton reference discloses vasoocclusive devices including one or more strands of flexible material wound to form a generally spherical or ovoid shape when relaxed. *See e.g.* Horton, Figs. 1-3.

In contrast, the claims of the present application require, among other things, a braided structure including at least one gold thread and at least one bioabsorbable thread braided with the gold thread to form an elongated suture, the elongated suture including a distal end and a proximal end, and a needle connected to the distal end. The Horton reference does not disclose such an elongated structure and, therefore, cannot, as a matter of law, anticipate the pending claims of the present application.

Claims 2, 4-6 and 8-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Horton reference in view of U.S. Patent No. 6,086,578 to Adamyan et al. The rejections are respectfully traversed.

Like the Horton reference, the Adamyan et al. reference does not disclose a braided

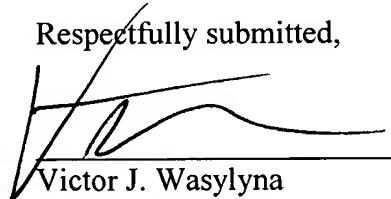
Serial No. 10/606,192
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structure including at least one gold thread and at least one bioabsorbable thread braided with the gold thread to form an elongated suture, the elongated suture including a distal end and a proximal end, and a needle connected to the distal end.

Accordingly, inasmuch as the Horton and Adamyan et al. references do not teach, alone or in combination, each and every limitation of the pending claims of the present application, it is submitted that claims 2, 4-6 and 8-16 are not rendered obvious over the Horton and Adamyan et al. references.

Accordingly, it is submitted that the application is in condition for allowance and formal notice thereof is respectfully requested.

Applicants hereby authorize the Commissioner under 37 C.F.R. § 1.136(a)(3) to treat any paper that is filed in this application, which requires an extension of time, as incorporating a request for such an extension. The Commissioner is authorized to charge any fees required by this paper or to credit any overpayment to Deposit Account No. 20-0809.

Respectfully submitted,

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